

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

ELAINE POLLY,

Plaintiff,

v.

**CIVIL ACTION NO. 2:13-CV-85
(BAILEY)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull. By Local Rule, this action was referred to Magistrate Judge Kaull for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Kaull filed his R&R [**Doc. 16**] on June 2, 2014. In that filing, the magistrate judge recommended that this Court deny plaintiff's Motion for Summary Judgment [**Doc. 11**], grant defendant's Motion for Summary Judgment [**Doc. 13**], and dismiss this matter from the active docket of this Court.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*


review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaul's R&R were due by June 19, 2014. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Doc. 16**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. As such, Plaintiff's Motion for Summary Judgment [**Doc. 11**] is hereby **DENIED**, and Defendant's Motion for Summary Judgment [**Doc. 13**] is hereby **GRANTED**. Consequently, the decision of the ALJ is **AFFIRMED**, and this matter is **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record herein.

DATED: June 20, 2014.


JOHN PRESTON BAILEY
CHIEF UNITED STATES DISTRICT JUDGE